

Part 2051 - HOURS AND PAY

Subpart A - Highest Previous Rate

§2051.1 Definition of "Highest Previous Rate" (HPR). This is the highest salary rate in an employee's Federal pay history which can serve as a basis for making a current pay determination upon a change in position.

§2051.2 Determination of HPR. Upon a position change, FmHA will pay the HPR based on the following:

- (a) Any permanent position held regardless of length of time.
- (b) Appointments over 120 days or a series of appointments over 120 days where there is no break in service.
- (c) Temporary promotions over 120 days. Competition must be held for these promotions. If there is the potential that the position may be filled Permanently, this should be reflected in the vacancy announcement. If the employee fills the position on a temporary basis, the incumbent's temporary promotion should be converted to a permanent promotion without a return to lower grade. This will ensure that employees do not receive the HPR from a temporary promotion and then get an additional two-step equivalent increase for the permanent promotion to the same position, i.e., a 12% increase in salary. This type of salary progression is not available to Agency employees under normal promotion procedures.
- (d) In making HPR determinations, care must be taken to avoid windfalls in pay for employees in circumstances when HPR may not be appropriate. For example, the provisions of this Instruction may not be used as a vehicle to circumvent the period required for within-grade salary advancements. (See 35 Comp. Gen. 370)

§2051.3 Exceptions.

- (a) Temporary promotions to General Merit (GM) positions. HPR cannot be based on a temporary promotion to a GM position at grades 13, 14, or 15, if the employee returns to his/her General Schedule (GS) position upon expiration of the temporary promotion. HPR for these individuals should be based on the salary of their GS position in the lower grade plus any Within-Grade Increases (WGI's) they would have received during the time they were temporarily promoted.

---

DISTRIBUTION: WSDC

Personnel  
Hours and Pay

(b) Voluntary demotions to positions with known promotion potential. When an employee is demoted at his/her own request, or reinstated to a lower graded position, with the prospect of noncompetitive repromotion back to the former grade as soon as possible; i.e., 120 days, select a rate in the lower grade which upon repromotion will place the employee in the rate in the higher grade which would have been attained had the employee remained in that grade. When setting the rate at the time of the demotion, consideration should be given to any within grade increase which could be attained if the employee remained in the higher grade between the time of demotion and projected repromotion. NOTE: Voluntary demotions in conjunction with a formal Upward Mobility Program are not considered to be taken "at the employee's request". These individuals should be given the HPR at the time of the demotion.

(c) Demotions for cause. The minimum rate shall be paid in demotions for cause. This grade and rate shall be used to determine any future HPR decision. An employee demoted for cause loses any previous entitlement to HPR.

§2051.4 Rates which may not be used to determine HPR. The determination of HPR cannot be based on the following:

(a) Agency upgrading of a position previously classified by the Office of Personnel Management (OPM) when OPM subsequently reverses the Agency's regarding action.

(b) Appointment under Section 3109 of Title 5, United States Code; i.e., experts and consultants.

(c) Special salary rates established under Section 5303 of Title 5, United States Code. In these situations the employee's HPR is the rate the employee would have been entitled to had the special rate not been applied. NOTE: Exceptions to this policy can be approved by OPM. Inquiries on preparing a request for an exception to this policy should be directed to the Chief, Staffing and Classification Operations Branch, Personnel Division, FmHA.

§§2051.5 - 2051.50 [Reserved]

oOo